

Response to Comments

Comment Deadline: October 08, 2021 by 5:00 p.m.

Draft National Pollutant Discharge Elimination System (NPDES) Permit for U.S. Navy
Naval Air Facility El Centro (NAFEC) Wastewater Treatment Plant
Order R7-2021-0045

Changes proposed in response to comments made in the U.S. Navy's 10/08/2021 letter are described below and incorporated into a redline that is available upon request and will be available at the hearing on the permit. Please contact Jose Valle de Leon at

(760) 776-8940 or Jose.ValledeLeon@Waterboards.ca.gov for a copy.

Comment Letter #	Date	Commenter	--
Letter 1	10/08/2021	Michel D. Remington Environmental Program Director Department of the Navy	
Comment #	Location in the WDRs	Comment	Staff Response
1	--	<p>The Order does not include the Volumetric Annual Reporting (VAR) requirements of Order WQ 2019-0037-EXEC as Amended on January 14, 2020. Order WQ 2019-0037-EXEC states "This Order will be in effect for each Discharger until the applicable regional water quality control board reissues or otherwise amends the Discharger's monitoring and reporting program to incorporate the requirements of this Order, at which time this Order will no longer be applicable to that Discharger." It would be good to have these requirements incorporated into Order R7-2021-0045 so all requirements are in one permit. VAR reporting under Order WQ 2019- 0037-EXEC is required to be completed in the Geo Tracker database. Do the influent and effluent flow reporting requirements included in Order R7-2021-0045 satisfy the requirements of Order WQ 2019-0037-EXEC? If so, please state this in Section 3.C of the fact sheet (VAR reporting to Geo Tracker is not required because the monitoring requirements of this Order satisfy the requirements of Order WQ 2019-0037-EXEC). If additional reporting is required to satisfy the requirements of Order WQ 2019-0037-EXEC, please incorporate those requirements into Attachment E and include a discussion in Attachment F.</p>	<p>Order WQ 2019-0037-EXEC is not applicable to this facility, as it applies only to facilities producing recycled water.</p> <p>In conversations with facility staff, no changes to plant operations were identified indicating that recycled water is being produced or used, nor does proposed Order R7-2021-0045 allow for the production of recycled water at this time.</p> <p>Requirements from WQ 2019-0037-EXEC will not be incorporated into proposed Order R7-2021-0045.</p>

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2	4.A. Table 4	Please include the effluent limitation for E.coli in the table as presented in Table F-10 in the Fact Sheet (Attachment F).	The effluent limitations for parameters that do not fit within the established column headings are included below the table. Those parameters include percent removal of BOD and TSS, bacteria (<i>E. coli</i>), and toxicity. No changes are proposed in response to this comment.
3	4.A.1.b	Order R7-2016-0004 included TSS in the percent removal discussion. TSS was removed from the text in this section; however, the Fact Sheet (Page F-18) of Order R7-2021-0045 indicates that the average monthly percent removal of BOD and TSS shall not be less than 85 percent. Is the percent removal applicable to TSS as well as BOD? Is this percent removal requirement applicable if the influent concentrations are too low to meet the 85 percent removal mark? Consider adding a footnote similar to Order R4-2018-0156 (for the NALF SCI WWTP): "The removal efficiency final effluent limitation does not apply in situations where the concentration of the influent wastewater is too low to meet the 85% removal, per 40 CFR 133.103(d)..."	<p>The omission of TSS from the percent removal effluent limitation in Section 4.A.1.b was an oversight; the permit has been revised to include TSS.</p> <p>The listed percent removal effluent limitation is applicable in all circumstances. 40 C.F.R. section 133.103(d) does allow the Regional Water Board to impose a lower effluent limitation for percent removal than typically required for secondary treatment (i.e., lower than 85%), but only upon a showing that the treatment works "is consistently meeting, or will consistently meet, its permit effluent concentration limits but its percent removal requirements cannot be met due to less concentrated influent wastewater." Any lower effluent limitation for percent removal based on section 133.103(d) would need to be incorporated as a new effluent limitation in the permit. The Discharger has neither made the demonstration required by section 133.103(d) nor requested a lower effluent limitation. The footnote language is not appropriate to include in the permit.</p> <p>However, the Discharger may at any time seek an amended percent removal effluent limitation upon making the showing required in 40 C.F.R. section 133.103(d). The Regional Water Board would then need to amend the percent removal effluent limitation in the permit.</p>

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4	6.C.1.e	The text about a pretreatment program is not applicable to the NAFEC WWTP because it is a Federally-Owned Treatment Works (FOTW), not a Publically-Owned Treatment Works (POTW). 40 CFR 408 applies to POWTs, not FOTWs. Request to remove 6.C.1.e from the final version of the Order.	Section 6.C.1.e has been removed as requested.
5	6.C.2.c	Request clarification from the Water Board on the applicability of Section 6.C.2.c (DMR-QA Study) requirements. The text states the USEPA requires this of “major permittees.” NAFEC is listed as a “Minor” facility in the facility information table in Attachment F (Table F-1). Request to remove 6.C.2.c if not applicable to NAFEC. If determined to be applicable, please provide an explanation as to why and include this explanation in the Fact Sheet (Attachment F). If required, will the State send a notification each year with instructions for the study and timeline for submittals? Fact Sheet Section 7.E.1 states this is required for major and selected minor dischargers. If NAFEC WWTP has been selected as a minor discharger that must participate in the annual DMR-QA Study program, please include a rationale in the Fact Sheet that describes why NAFEC has been selected as a minor permittee to participate.	<p>Under the authority of Section 308 of the Clean Water Act, USEPA requires major and selected minor permittees in the NPDES Program to participate in the Discharge Monitoring Report-Quality Assurance (DMR-QA) Study. The DMR-QA Study evaluates the analytical ability of laboratories that routinely perform or support self-monitoring analyses required by NPDES permits to ensure the integrity of the NPDES Program. California holds an exemption waiver with USEPA that allows California NPDES permit holders to work directly with the State Water Board for proficiency testing data submission and timelines.</p> <p>In California, both major and minor dischargers are required to participate in the annual DMR-QA Study Program. USEPA Region 9 staff confirmed this to Regional Water Board staff.</p> <p>The State Water Board typically does send an annual notification via letter each year with instructions for the DMR-QA study. Additionally, more information can be found on the State Water Board’s website, including a copy of the most recent DMR-QA study letter.</p> <p>In conclusion, DMR-QA requirements are applicable to the facility and will remain in the Order. For consistency, Section 6.C.2.c has been amended to include language referencing “selected minor” facilities.</p>

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6	6.C.5	Request to indicate "Not applicable" adjacent to the title of this section. This would be consistent with Section 7.B and the second paragraph of the Fact Sheet (Attachment F).	The requested text has been included.
7	6.C.6.b.2. 3.E.2	Per a March 29, 2007, letter from the Navy to the State Water Resources Control Board, the Navy is not subject to the requirements of Order 2006-0003-DWQ because the state exempted private entities from regulation, while explicitly regulating public agencies, including federal agencies which makes the Order discriminatory against the federal government, contrary to federal law. Request to have Section 6.C.6.b.2 and Attachment F Sections 3.E.2 and 6.B.6.b revised to reflect that the Discharger is not required to enroll under the SSO Order (WQ 2013-0058-EXEC) at this time.	<p>The Regional Water Board disagrees with the U.S. Navy's position that its enrollment in the <i>Statewide General Waste Discharge Requirements for Sanitary Sewer Systems</i>, Order 2006-0003-DWQ (SSO General Order) would be improper or violate the waiver of sovereign immunity found in Section 313 of the Clean Water Act (33 U.S.C. § 1323).</p> <p>However, in lieu of mandating enrollment in the SSO General Order, the Regional Water Board has included relevant sanitary sewer system requirements from the SSO General Order in a new attachment – Attachment I – to draft Order R7-2021-0045. Section 6.C.6.b has been amended to incorporate Attachment I by reference.</p> <p>For Section 3.E.2 of the Fact Sheet, the last sentence will be replaced with: "In lieu of requiring enrollment in the Sanitary Sewer Order, the Colorado River Basin Water Board has incorporated relevant sanitary sewer system requirements in Attachment I of the Order."</p> <p>Section 6.B.6.b of the Fact Sheet has been revised to reflect the inclusion of Attachment I.</p>

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8	6.C.7.a. Table 5	Order R7-2016-0004 required a one-time update of the TRE Work Plan within 90 days of the effective date of the order. This seems more appropriate than annual updates, because we do not expect the TRE Work Plan to change year to year. Request changing the TRE Work Plan review and update requirement to one time within 90 days following the effective date of the Order. Section 5.B.1 in Attachment E requires the TRE Work Plan to be submitted to the Water Board within 90 days of the effective date of the permit.	The request to remove the requirement for annual updates to TRE workplan is generally acceptable in situations where no changes have occurred. Table 5 has been modified to require an update within 90 days of permit adoption and any time there are staff or operational changes.
9	6.C.7.a. Table 5	See comment #3. Request that the DMR-QA study row be deleted from the table because the DMR-QA study appears to be applicable only to "major permittees." The NAF El Centro WWTP Permit is classified as a "minor" facility in the facility information table (Table F-1) in Attachment F.	Please see the response to comment #5 above.
10	7.N	There are two sections identified as 7.N on this page (1. Single Operational Upset and 2. Significant Figures). Change the Significant Figures section "7.O."	The associated text has been corrected.

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11	Attachment E, Table E-3	Table 4 includes an effluent limitation for Total Residual Chlorine. Sampling the effluent for total residual chlorine throughout the operator's work shift was removed from the effluent sampling table. If total residual chlorine analysis is not required, request to remove it from Table 4 as well. The total residual chlorine effluent limitations narrative was removed from this Order. If total residual chlorine analysis is not required, this change is appropriate. If total residual chlorine analysis is required, request that the narrative for compliance determination be included in the Order. Section 7.B in Attachment F (Page F-36, 3rd paragraph) indicates that continuous monitoring for total chlorine is a requirement of the permit.	The omission of total residual chlorine monitoring requirements was in error. Monitoring requirements for total residual chlorine have been added to Table E-3.
12	Attachment D, 5.E.1	Order R7-2016-0004, states that this electronic reporting was to be implemented on December 21, 2023. Is this a mistake; is electronic reporting of these types of events already required?	The noted date is a typographical error. The associated text will be corrected; the year will be changed from "2023" to "2020."

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13	Attachment E, 1.G	Order R7-2016-0004 required chromium (VI) to be analyzed using the dissolved method in conformance with 40 CFR part 136. Order R7- 2021-0045 required the dissolved method for copper (but not chromium (VI)). Is this a mistake? If not what is the justification for the change? There is no discussion of this change in the Fact Sheet.	The referenced provision is found under the "General Monitoring Provisions" Section of the Monitoring and Reporting Program, Attachment E. The provision is entitled "Analytical Testing Methods for Metals" and provides general guidance for metals analysis. Copper is only used for general illustrative purposes to convey the requirement for conformance with 40 C.F.R. part 136, which provides guidance on the acceptable methods of analysis for all of the targeted analytes. For clarity, the text of Section 1.G has been changed to conform more closely to the language of 40 C.F.R. section 122.45(c).
14	Attachment E, 1.M	Request to have this section removed if DMRQA reporting is determined to be only applicable to "Major" permittees. NAFEC is listed as a "minor" permittee in this Order.	Please see the response to comment #5 above.
15	Attachment E, 3.A.1. Table E-2	Influent flow monitoring is required using a totalizing flow meter. Readings are required a minimum of once per day. Flow meters must be calibrated at least once per year or more frequently as per the factory stipulated requirements. Recording and measuring influent flow is a new requirement of the permit. Since this is new, we request a time allowance in the permit to be able to procure a flow meter and install it (e.g., required to be installed and operational no more than 180 days following the effective date of this order).	The request for additional time to purchase and install a flow meter is reasonable. A footnote has been inserted including text indicating that the requirement is effective 180 days after permit adoption.

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16	Attachment E, 4.A Table E-3	BOD and TSS: The table does not show option for calculating BOD or TSS in lbs/day. Table 4 show effluent limitations in lbs/day and mg/L for these parameters. Request including the lbs/day calculated option to Table E-3 for BOD and TSS.	The change to Table E-3 has been made as requested. This is appropriate since mass-based effluent limitations for BOD and TSS are already included in Table 4 of the draft Order.
17	Attachment E, 5.A.5. Table E-4	The minimum sampling frequency was increased from 1x/year to 2x/year. Request to revise this section to require chronic toxicity sampling only 1x/year as in Order R7-2016-0004. If sampling will be required at 2x/year is there a minimum amount of time required between samples? Please clarify in the notes.	The requirement for sampling two times per year is standard for similar NPDES facilities in the region, and the Regional Water Board believes that this requirement is appropriate. Each test should be conducted at least six months apart, and a footnote with the language "at least 6 months apart" has been added to clarify when the semiannual samples should be collected.
18	Attachment E, 5.B.1	A TRE Work Plan was already prepared and subsequently submitted and approved by the Water Board under a prior permit. Request to revise this section to require the Discharger to "review and update the existing (previously approved) TRE Work Plan and submit to the Colorado River Basin Water Board within 90 days of the effective date of this permit." Also, request to revise Table 5, Row 2 on Page 16 to reflect a one-time review and update and remove the requirement for an annual update of the TRE Work Plan.	Please see the response to comment #8 above. Section 5.B.1 of Attachment E already states that there is a requirement for submittal of the TRE work plan within 90 days of the effective date of the permit.

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19	Attachment E, 10.C.1.a	See comments #3 and #6: If the DMR-QA study is determined to be not applicable to NAFEC because it is a "Minor" permittee, request to remove sections 10.C.1.a through 10.C.1.b of Attachment E.	Please see the response to comment #5 above. The referenced sections are applicable to the Discharger and will not be removed.
20	Attachment F.1 Table F-1	In the discharger information line, change "and AOC Support Services, LLC (Operator)" to "and KJS Support Services JV, LLC (Operator)".	The associated text has been modified and the correct operator information updated.
21	Attachment F.1 Table F-1	Please amend facility address to be consistent in document? It does not match the facility address listed on cover page of this proposed permit	The facility address has been modified to be consistent with the cover page information.
22	Attachment F, 4.E.1	The third sentence of the second paragraph references the Alamo River; should this be changed to the New River since NAFEC WWTP discharges to the New River? Is the New River also a non-attainment water for the pollutant mercury?	The reference to the Alamo River is incorrect as the facility discharges to the New River. The text has been updated to reflect the appropriate receiving waterbody, the New River. The New River is non-attainment water for mercury based on 303(d) list.

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23	Attachment F, 7.B	The last sentence of the third paragraph indicates, "Monitoring for nitrite, nitrate, ammonia nitrogen, total nitrogen, total phosphate, ortho-phosphate, hardness, and total dissolved solids has been maintained at a monthly frequency." This is inconsistent with Table E-3. Table E-3 indicates that nitrite, nitrate, ammonia nitrogen, total nitrogen, total phosphate, and ortho-phosphate require quarterly sampling, not monthly. Request to revise Section 7.B of the Fact Sheet to reflect the monitoring frequencies in Table E-3.	The associated text has been modified to indicate that the monitoring frequency is quarterly.